

Mizutani discloses a disposable body fluids absorbent padding formed with a liquid guiding fibrous sheet interposed between a liquid permeable topsheet and a liquid-absorbent core. The fibrous sheet is intermittently fused to the topsheet by a plurality of fused spots in a lattice pattern as shown in Figure 1. Each of the fused spots is disclosed as being compressed to have a high density and to form a groove along which body fluids may diffusely flow and be rapidly guided into the core. There is no disclosure or suggestion, nor is it inherent that the fused spots between the topsheet and fibrous sheet will provide a preferential bending zone to the absorbent article. That is merely fusing the upper two layers in the manner disclosed in this reference will not necessarily result in the formation of a preferential bending zone that will act as a hinge in use. Referring to Figure 2 in the cited reference, it is apparent that the relative thickness' of the topsheet, fibrous layer and absorbent core suggest that fusing the upper relatively thin layers will not impact the overall absorbent product with regard to that formation of a preferential bending zone. In fact it is common practice to thermally emboss nonwoven topsheet materials to impart strength and wet integrity to these materials, such embossing having no effect on the absorbent product on which they are utilized with respect to the formation of preferential bending zones.

In contrast, the present claimed invention requires the sanitary napkin to have opposed longitudinally extending side edges and a longitudinal axis and a preferential bending zone that extends obliquely to the longitudinal axis and which extends from one longitudinal side area to an opposite longitudinal side area of the sanitary napkin. It is respectfully submitted that the cited reference fails to disclose or fairly suggest a sanitary napkin having the above expedient.

Claims 1, 3-5, 7-8, 12, 14-16 and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Fung et al. (US 5,423,486). Applicants respectfully traverse.

Fung et al teaches an absorbent core for use in an absorbent product. The absorbent core comprises an absorbent batt that is folded upon itself along a pair of generally parallel longitudinally extending fold lines to form a middle body-facing panel and two side panels. The panels are disclosed as being substantially of the same width along their entire longitudinal

length or alternatively the side panels may taper to a narrower width as they extend longitudinally from the central transverse axis. The panels may be embossed with a variety of patterns including longitudinally extending channels, widthwise channels or diagonal channels. There are no embodiments disclosed where the side panels have channels formed with the same embossing pattern as the middle panel and accordingly, none of the resultant absorbent products will have an identifiable preferential bending zone that extends obliquely to the longitudinal axis and which extends from one longitudinal side area to an opposite longitudinal side area of the sanitary napkin. That is, even assuming that one panel in the absorbent batt was provided with a diagonally extending embossed channel, the adjacent panels having a different embossing pattern would result in an absorbent product that would not possess a preferential bending zone that extends obliquely to the longitudinal axis. It would be necessary for at least two or preferably all three panels to have the same embossing pattern to create the obliquely extending preferential bending zone as required by the present claimed invention. Fung clearly fails to disclose or fairly suggest this expedient and thus fails to anticipate the present pending claims.

Claims 2, 6, 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable of Mizutani (US 5,613,960). Applicants respectfully traverse.

Claims 2, 6, 13 and 17 are dependent from an allowable base claim and thus are considered patentable for the above reasons of record. Moreover, as tacitly acknowledged by the Patent Office, the cited reference fails to teach or fairly suggest the expedients in these claims and merely relies on Applicant's disclosure for failing to state that these expedients are critical. This is not the proper test of non-obviousness and accordingly the above rejection is improper.

Claims 10-11 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fung et al. (US 5,423,786).

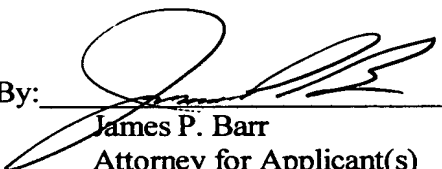
Claims 10-11 and 21-22 are dependent from an allowable base claim and thus are considered patentable for the above reasons of record. Moreover, as tacitly acknowledged by the Patent Office, the cited reference fails to teach or fairly suggest the expedients in these claims and merely relies on Applicant's disclosure for failing to state that these expedients are critical. This is not the proper test of non-obviousness and accordingly the above rejection is improper.

Claims 1-22 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 3-18 of U.S. Patent No. 6,312,416. Applicants note that this is a provisional rejection, and will file a terminal disclaimer upon allowance of the present pending application which is believed to obviate this provisional rejection.

Claims 1-22 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of copending Application No. 09/374,512, and over claims 1 and 4-19 of copending Application No. 09/477,244. Applicants note that this is a provisional rejection, and will consider filing a terminal disclaimer upon allowance of the copending application which is believed to obviate this provisional rejection.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

By: 
James P. Barr
Attorney for Applicant(s)
Reg. No. 32,882

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2826
Dated: June 6, 2002